

AUG 10 2007

Application Serial No.: 10/673,522
Amendment and Response to May 14, 2007 Non-Final Office Action**REMARKS**

Claims 1 – 7 and 9 – 20 are in the application. Claims 1 and 18 – 20 are currently amended; claim 8 is canceled; and claims 2 – 7 and 9 – 17 were previously presented. Claims 1 and 18 – 20 are the independent claims herein.

No new matter has been added to the application as a result of the amendments submitted herewith. Reconsideration and further examination are respectfully requested.

Claim Rejections – 35 USC § 112

Claims 1 – 7 and 9 – 20 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the Office Action states that there is insufficient antecedent basis for "said device context" in lines 3, 3, 5, and 8, respectively, claims 1 and 18 – 20.

Claims 1 and 18 – 20 are currently amended to recite "said new device oriented context", which has antecedent support in the previously recited "a new device oriented context" in each of the subject claims.

Accordingly, Applicant requests the reconsideration and withdrawal of the rejection of claims 1 – 7 and 9 – 20 under 35 U.S.C. 112, second paragraph.

Claim Rejections – 35 USC § 102

Claims 1 – 7 and 9 – 20 were rejected under 35 U.S.C. 102(b) as being anticipated by Diacakis et al. U.S. Publication No. 2002/0116336 (hereinafter, Diacakis). Claim 18 was rejected based on the same rationale provided for claim 9. Claims 19 and 20 were rejected based on the same rationale provided for claim 1. Each of these rejections are traversed.

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Regarding claim 1, Applicant respectfully notes that claim 1 relates to a method that includes detecting a new device oriented context for a specific device associated with an identity, wherein the new device oriented context provides an availability status of the specific device; and mapping the new device oriented context to an identity oriented context for the identity by associating the new device oriented context with the identity oriented context, wherein the identity oriented context provides an availability status of the identity. The claimed method further includes providing data indicative of the mapped identity context to an identity context oriented application.

Claim 1 is currently amended to clarify that the new device oriented context of a specific device is detected where the new device oriented context provides an availability status of the specific device and that the new device oriented context is mapped to an identity oriented context where the identity oriented context provides an availability of status of the identity. It is noted that the claims explicitly state that the claimed device oriented context provides an availability status of a specific device and the claimed identity oriented context provides an availability status of the identity.

Support for the current amendments to claim 1 is found in the Specification at paragraphs 18, 28 – 41, 48 – 62 and FIGS. 1 – 4.

Thus, it is clear from Applicant's claims that the "device oriented context" is separate and distinct from the "identity oriented context". This aspect of the claims is further made clear in the Specification as well as FIGS. 1 and 2, items 104 and 108; FIG. 3; and FIG. 4 that depicts an identity context to device context mapping table 144.

Applicant respectfully submits that claims 18 (reciting a method), 19 (reciting an article of manufacture), and 20 (reciting an apparatus) each include recitations of a device oriented context that provides an availability status of the specific device and the new device oriented context is mapped to an identity oriented context where the identity oriented context provides an availability of status of the identity, similar to claim 1.

Applicant respectfully submits that the cited and relied upon Diacakis does not disclose or suggest, at least, (1) both the new device oriented context for a specific

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device associated with an identity, wherein the new device oriented context provides an availability status of the specific device and the identity oriented context for the identity, wherein the identity oriented context provides an availability status of the identity, and (2) mapping the new device oriented context to the identity oriented context for the identity by associating the new device oriented context with the identity oriented context.

While the Office Action continues to cite and rely upon Diacakis for allegedly disclosing determining a device context for a device associated with an identity, wherein the device context provides an availability status of the device, Diacakis clearly discloses determining a presence of an individual or, at most, group of individuals based exclusively and explicitly on an identity oriented context (both system and method). Diacakis does not disclose an device oriented context system, method, or application.

Diacakis explicitly states,

[0026] As used herein, the term "presence" is defined as the ability of an individual to access a particular communications network. For example, if a person is near a landline telephone or wireless telephone that is switched on, that person is "present" on a telephone network, i.e., the person is able to use the telephone network to communicate with other people also on the network. Conversely, if a person is not near a landline telephone or wireless telephone, or the wireless telephone is switched off, then that person is not present on a telephone network, and thus unable to communicate with others on the telephone network. Similarly, if a person uses an instant messaging (IM) application at a given point in time, the person is present on that instant messaging network.

[0027] In addition, as used herein the term "availability" is defined as the willingness of an individual who is present on one or more communications networks to be reached by one or more persons. Following the telephone network example above, if a person is near a landline or wireless telephone and has the intention or willingness to answer the phone when a particular person calls, the person is not only present but available on the telephone network. However, if the person is unwilling or unable to answer either phone when it rings, although present, the person is not available.

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[0038] FIG. 4 is a diagram of the P&A management server 12 according to one embodiment of the present invention. As illustrated in FIG. 4, the server 12 includes a presence detection engine 18 and an availability management engine 20. The presence detection engine 18 may determine an individual's presence upon particular networks based on various inputs, as described further hereinbelow. The presence detection engine 18 may transmit the presence information to the availability management engine 20, which in turn may determine the individual's availability based on the presence information as well as additional information, such as the individual's situation and defined rules and preferences. The determined availability information may then be transmitted to subscribers of the individual's availability information via the network 16, as described previously.

[0040] As illustrated in FIG. 4, the presence detection engine 18 may receive various inputs to determine, to the extent possible, the individual's presence. One type of input that the presence detection engine 18 may use to help determine the individual's presence is time-based input 40. (emphasis added)

Thus, it is clear that Diacakis is explicitly and exclusively related to an identity oriented system and method related to the presence of an individual (i.e., identity oriented system, method, and applications). Specifically, Diacakis discloses, "the presence engine 18 may ascertain the individual's presence on each of the monitored networks" (emphasis added) (See Diacakis, paragraph [0055]).

Thus, it is clear that the cited and relied upon Diacakis clearly discloses specifying and/or determining a presence and availability of an individual in an identity oriented system/method/application using appropriate identity oriented context(s). Diacakis fails to disclose the claimed "device oriented context". No device oriented context is disclosed by Diacakis.

Furthermore, the exclusive disclosure and reliance on an identity oriented context by Diacakis appears to teach away from any suggestion of the claimed device oriented context.

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Therefore, Applicant respectfully submits that the cited and relied upon Diacakis does not disclose that for which it was cited and relied upon for disclosing. In particular, Diacakis fails to disclose each and every aspect of claims 1 and 18 – 20, as is required for anticipation under 35 USC 102(b).

Accordingly, Applicant respectfully submits that claims 1 and 18 – 20 are patentable over Diacakis under 35 USC 102(b) for at least the reasons stated hereinabove. Claims 2 – 7 and 9 – 17 depend from claim 1. Applicant respectfully submits that claims 2 – 7 and 9 – 17 are also patentable over Diacakis under 35 USC 102(b) for at least depending from a patentable base claim. Therefore, the reconsideration and withdrawal of the rejection of claims 1 – 7 and 9 – 20 are respectfully requested, as well as the allowance of same.

CONCLUSION

Accordingly, Applicants respectfully request allowance of the pending claims. If any issues remain, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is kindly invited to contact the undersigned via telephone at (408) 492-5336.

Respectfully submitted,

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Date



David D. Chung
Registration No. 38,409
Direct Dial: (408) 492-5336

SIEMENS CORPORATION
Customer Number: 28524
Intellectual Property Department
170 Wood Avenue South
Iselin, New Jersey 08830